

**APPENDIX P: ENDANGERED SPECIES ACT SECTION 7,
STATE HISTORIC PRESERVATION OFFICER, AND TRIBAL CONSULTATION**



Department of Energy
Washington, DC 20585

July 9, 2007

CSKT Tribal Historic Preservation Office
ATTN: Marcia Pablo
Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

Dear Ms. Pablo:

Montana Alberta Tie Line, Ltd. (MATL) has applied to the Department of Energy (DOE) for a Presidential permit to construct a single-circuit, 230,000-volt electric transmission line that would originate northeast of Lethbridge, Alberta, Canada, cross the U.S.-Canada border north of Cut Bank, Montana, and extend approximately 130 miles into the United States on State and private lands, terminating at an existing substation located north of Great Falls, Montana.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), and 36 CFR Part 800, DOE has determined that the proposed Federal action is an undertaking that has the potential to cause effects on historic properties, and seeks to initiate consultation with the Confederated Salish and Kootenai Tribes (CSKT). Section 106 addresses undertakings occurring on or affecting historic properties, including those of traditional religious and cultural importance to the CSKT.

DOE would like to obtain information from the CSKT about historic properties in or near the project area and to provide you an opportunity to identify your concerns about such properties, including potential mitigation measures. Your assistance in the identification and evaluation of historic properties, including those of traditional religious and cultural importance, will provide us the opportunity to resolve any adverse effects this undertaking may have on these properties. If available, we would welcome any information on the location and importance of archaeological sites, historic structures, and any other localities of interest to you that are known to occur in the proposed project area.

To help in your review, enclosed is a CD containing a report titled, *A Class III Cultural Resources Inventory of the Montana Alberta Tie Ltd., Proposed Transmission Line: Preferred route, Glacier, Pondera, Teton, Chouteau and Cascade Counties, Montana* (GCM Services Report), dated 02-01-2007, and prepared by David Ferguson of AMEC Earth and Environmental for MATL.



In addition to the CSKT, we are also requesting consultation with the Blackfeet Nation. If you know of other tribes that may have historic properties potentially impacted by this project, please let us know about them so we may offer to consult with them as well.

Furthermore, consistent with its obligations under the NHPA, DOE has also initiated consultation with the Montana State Historic Preservation Office (SHPO). In a May 9, 2007 letter, the SHPO determined that DOE's Federal undertaking, with appropriate avoidance and monitoring, should not have any direct effect to the sites located and documented in the GCM Services Report along the preferred route and designated reroutes for the MATL transmission line. For your information, a copy of the SHPO letter is enclosed.

Project Description- The total length of the proposed transmission line would be 203 miles, with approximately 130 miles constructed inside the United States. Laminated wood or wood pole H-frames would be the primary support structures used, with steel structures used for special applications such as monopole dead-end structures. MATL would use different types of H-Frame structures to address the various angles that would be necessary to accommodate changes in terrain and land use. Spacing between the two poles of a proposed H-frame structure would be about 23 feet. Typical span length between support structures would be about 800 feet, but could range from 500 feet to 1,600 feet. Approximately eight support structures per mile would be required. Depending on terrain, total disturbance at each support structure location during construction would be about 10,000 square feet.

Area of Potential Effect- The project's area of potential effect in the United States would be located in an area approximately 20 miles wide and 130 miles long within Glacier, Pondera, Teton, Chouteau, and Cascade Counties, Montana, from near the international border crossing west of the town of Sweetgrass, to the line terminus east of the town of Great Falls. The right-of-way would be approximately 100 feet wide, with the length ranging between 121.6 miles and 139.9 miles depending upon the alternative route.

More Information- DOE has worked closely with the Montana Department of Environmental Quality (MDEQ) on the preparation of a single environmental document that serves as both a Montana State Environmental Impact Statement (EIS) under the Montana Environmental Policy Act (MEPA), and a DOE environmental assessment (EA) under the National Environmental Policy Act (NEPA). This single environmental document (draft document) can be viewed and downloaded in its entirety from the MDEQ web site at <http://www.deq.state.mt.us/>. For your convenience, enclosed is a hard copy of the draft document.

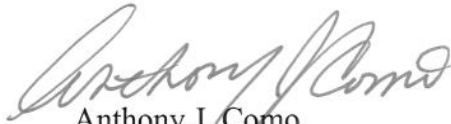
The draft document was distributed for public comment in March 2007, and three public hearings were conducted to receive comments on the document during a 55-day public comment period. Based on comments received on the draft document indicating strong concern about land use and potential effects on farming, DOE has now determined an EIS, rather than an EA, to be the appropriate NEPA compliance document. Accordingly,

on June 7, 2007, DOE published in the *Federal Register*, the enclosed Notice of Intent to prepare an EIS.

DOE will continue working with the MDEQ to address the comments received on the draft document and prepare responses to comments. If the previously published draft document does not require significant modifications to address the comments, we will issue corrections and updated information as errata along with the responses and the March 2007 draft document as the DOE draft EIS. If extensive modifications are required to adequately address comments, we will issue a new document, along with the responses, as our draft EIS.

Please feel free to contact me directly by e-mail at Anthony.Como@hq.doe.gov, or by phone at 202-586-5935, with regard to any concerns or questions you may have with this proposed project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anthony J. Como".

Anthony J. Como
Director, Permitting and Siting
Office of Electricity Delivery and
Energy Reliability

Enclosures

cc: Stan Wilmoth, State Archaeologist, Deputy SHPO
Tom Ring, MDEQ
J. Surbrugg, Tetra Tech



Department of Energy
Washington, DC 20585

July 9, 2007

Blackfeet Nation
ATTN: John Murray
Blackfeet Tribal Historic Preservation Office
P.O. Box 2809
Browning, MT 59417

Dear Mr. Murray:

Montana Alberta Tie Line, Ltd. (MATL) has applied to the Department of Energy (DOE) for a Presidential permit to construct a single-circuit, 230,000-volt electric transmission line that would originate northeast of Lethbridge, Alberta, Canada, cross the U.S.-Canada border north of Cut Bank, Montana, and extend approximately 130 miles into the United States on State and private lands, terminating at an existing substation located north of Great Falls, Montana.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), and 36 CFR Part 800, DOE has determined that the proposed Federal action is an undertaking that has the potential to cause effects on historic properties, and seeks to initiate consultation with the Blackfeet Nation. Section 106 addresses undertakings occurring on or affecting historic properties, including those of traditional religious and cultural importance to the Blackfeet Nation.

DOE would like to obtain information from the Blackfeet Nation about historic properties in or near the project area and to provide you an opportunity to identify your concerns about such properties, including potential mitigation measures. Your assistance in the identification and evaluation of historic properties, including those of traditional religious and cultural importance, will provide us the opportunity to resolve any adverse effects this undertaking may have on these properties. If available, we would welcome any information on the location and importance of archaeological sites, historic structures, and any other localities of interest to you that are known to occur in the proposed project area.

To help in your review, enclosed is a CD containing a report titled, *A Class III Cultural Resources Inventory of the Montana Alberta Tie Ltd., Proposed Transmission Line: Preferred route, Glacier, Pondera, Teton, Chouteau and Cascade Counties, Montana* (GCM Services Report), dated 02-01-2007, and prepared by David Ferguson of AMEC Earth and Environmental for MATL.



In addition to the Blackfeet Nation, we are also requesting consultation with the Confederated Salish and Kootenai Tribes. If you know of other tribes that may have historic properties potentially impacted by this project, please let us know about them so we may offer to consult with them as well.

Furthermore, consistent with its obligations under the NHPA, DOE has also initiated consultation with the Montana State Historic Preservation Office (SHPO). In a May 9, 2007 letter, the SHPO determined that DOE's Federal undertaking, with appropriate avoidance and monitoring, should not have any direct effect to the sites located and documented in the GCM Services Report along the preferred route and designated reroutes for the MATL transmission line. For your information, a copy of the SHPO letter is enclosed.

Project Description- The total length of the proposed transmission line would be 203 miles, with approximately 130 miles constructed inside the United States. Laminated wood or wood pole H-frames would be the primary support structures used, with steel structures used for special applications such as monopole dead-end structures. MATL would use different types of H-Frame structures to address the various angles that would be necessary to accommodate changes in terrain and land use. Spacing between the two poles of a proposed H-frame structure would be about 23 feet. Typical span length between support structures would be about 800 feet, but could range from 500 feet to 1,600 feet. Approximately eight support structures per mile would be required. Depending on terrain, total disturbance at each support structure location during construction would be about 10,000 square feet.

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More Information- DOE has worked closely with the Montana Department of Environmental Quality (MDEQ) on the preparation of a single environmental document that serves as both a Montana State Environmental Impact Statement (EIS) under the Montana Environmental Policy Act (MEPA), and a DOE environmental assessment (EA) under the National Environmental Policy Act (NEPA). This single environmental document (draft document) can be viewed and downloaded in its entirety from the MDEQ web site at <http://www.deq.state.mt.us/>. For your convenience, enclosed is a hard copy of the draft document.

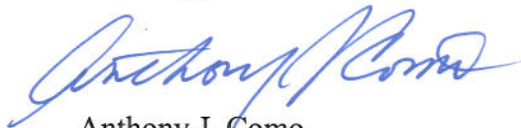
The draft document was distributed for public comment in March 2007, and three public hearings were conducted to receive comments on the document during a 55-day public comment period. Based on comments received on the draft document indicating strong concern about land use and potential effects on farming, DOE has now determined an

EIS, rather than an EA, to be the appropriate NEPA compliance document. Accordingly, on June 7, 2007, DOE published in the *Federal Register*, the enclosed Notice of Intent to prepare an EIS.

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Please feel free to contact me directly by e-mail at Anthony.Como@hq.doe.gov, or by phone at 202-586-5935, with regard to any concerns or questions the Blackfeet Nation may have with this proposed project.

Sincerely,



Anthony J. Como
Director, Permitting and Siting
Office of Electricity Delivery and
Energy Reliability

Enclosures

cc: Stan Wilmoth, State Archaeologist, Deputy SHPO
Tom Ring, MDEQ
J. Surbrugg, Tetra Tech



Department of Energy

Washington, DC 20585

May 2, 2007

Dr. Mark Baumler
State Historic Preservation Officer
Montana Historical Society
P.O. Box 201202
1410 8th Avenue
Helena, MT 59620-1202

SUBJECT: Consultation Pursuant to Section 106 of the National Historic Preservation Act Regarding the Montana-Alberta Tie Line, Ltd. Proposed Presidential Permit.

Dear Dr. Baumler:

Montana Alberta Tie Line, Ltd. (MATL) applied to the Department of Energy (DOE) for a Presidential Permit to construct a single-circuit, 230,000-volt transmission line that would originate at a new substation to be constructed northeast of Lethbridge, Alberta, Canada, cross the U.S.-Canada international border north of Cut Bank, Montana, and extend approximately 125 miles into the United States, terminating at an existing substation north of Great Falls, Montana.

DOE has worked closely with the Montana Department of Environmental Quality (MDEQ) on the preparation of a single environmental document that serves as both a Montana State Environmental Impact Statement (EIS) under the Montana Environmental Policy Act (MEPA), and a DOE environmental assessment (EA) under the National Environmental Policy Act (NEPA). This single environmental document can be viewed and downloaded in its entirety from the MDEQ web site at <http://www.deq.state.mt.us/>.

I am writing to initiate consultation with the Montana State Historic Preservation Officer (SHPO) under section 106 of the National Historic Preservation Act.

DOE has evaluated: (1) the potential impacts of the proposed project; (2) the planned mitigation measures as presented in the environmental document (Appendix F, DEQ Environmental Specifications); (3) MDEQ's Finding of No Effect/No Adverse Effect by avoiding disturbance to each individual cultural resource located within the area of potential project effect (MDEQ letter of February 22, 2007, attached); and (4) the Department of Natural Resources and Conservation's (DNRC) request for SHPO concurrence on their finding that there should be No Effect to Heritage Properties on state lands (DNRC letter of February 6, 2007, attached).

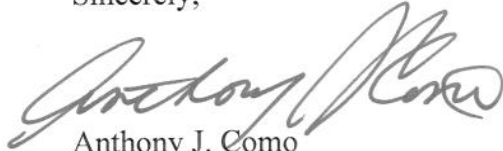
Based on this evaluation, DOE has determined that this undertaking will have no effect upon historic properties as defined in 36 CFR 800.16(i). Pursuant to 36 C.F.R. §800.3, I request your review of DOE's determination.



Printed with soy ink on recycled paper

Thank you for your attention to this matter. At any time, please feel free to contact me directly by e-mail at anthony.como@hq.doe.gov, by phone at 202-586-5935, or contact Brian Mills of my Office at brian.mills@hq.doe.gov, phone at 202-586-8267, with regard to any concerns that you may have with this proposed project.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Anthony J. Como', with a stylized flourish at the end.

Anthony J. Como
Director, Permitting and Siting
Office of Electricity Delivery and
Energy Reliability

Attachments: MDEQ February 22, 2007
DNRC February 6, 2007

cc: MDEQ, Tom Ring
DNRC, Patrick Rennie

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



DIVISION OF TRUST LAND MANAGEMENT

BRIAN SCHWEITZER, GOVERNOR

1625 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

February 6, 2007

Montana State Historic Preservation Office
Attn: Dr. Mark Baumler
P.O. Box 201202
Helena, MT 59620-1202

RE: A Class III Cultural Resource Inventory of the Montana-Alberta Tie Ltd.,
Proposed Transmission Line: Preferred route, Glacier, Pondera, Teton, Chouteau
and Cascade Counties, Montana. Consultant's report (GCM Services, Inc., Butte)
prepared by David Ferguson for the AMEC Earth and Environmental (Helena,
MT). Report dated 02-01-2007.

Dear Mark:

The above referenced report details the results of a cultural resources inventory within selected segments of the preferred route of a proposed overhead powerline in north-central Montana. With this letter the DNRC is initiating consultation with the Montana State Historic Preservation Officer as required by the State Antiquities Act mandates and the DNRC's administrative rules that implement those mandates.

As reported by the consulting archaeologist, during the course of inventory six partially, or wholly, state owned cultural properties were determined to be within, or near, the proposed area of potential effect (APE). Five of these resources (24GL1121, 24GL1126, 24GL1127, 24PN150 and 24TT578) have not been evaluated to determine whether they are eligible for listing in the National Register of Historic Places (i.e., if they are Heritage Properties). In contrast, site 24PN24 has been previously determined to be a Heritage Property. All six cultural resources consist of surface stone features presumably related to prehistoric Native American occupation of the region.

The arbitrarily defined boundaries for sites 24GL1121, 24GL1126, 24GL1127, 24PN150 and 24TT578 are situated outside the APE and will not be physically impacted by construction of the proposed overhead powerline. Site 24PN24 is partially within the APE and although the site will be crossed by the proposed overhead powerline, construction activities have been designed to avoid physical impacts to identified cultural

remains. Although visual impacts to all five properties will occur, their potential significance lies in the information that they could contain. This information would primarily occur in the form of associated sourceable/typeable artifacts, faunal and floral remains, and dateable organics (if any such remains exist in these sites).

The DNRC supports the consultant's recommendations concerning sites 24GL1121, 24GL1126, 24GL1127, 24PN24, 24PN150 and 24TT578. As such, the DNRC is seeking concurrence of the SHPO that there should be **No Effect** to Heritage Properties on state lands with the proposed undertaking.

Thank you in advance for your time, and if you have any questions or concerns regarding the above referenced report or project please contact either Dale Herbort (DEQ) or me.

Sincerely,



Patrick J. Rennie
DNRC Archaeologist

cc. Tom Ring, DEQ
Dale Herbort, DEQ



Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

February 22, 2007

Dr. Mark Baumler, SHPO
State Historic Preservation Office
Montana Historical Society
P.O. Box 201202
1410 8th Avenue
Helena, MT 59620-1202

**RE: Review of Cultural Resource Inventory of MATL Proposed 230 kV
Transmission Line**

Dear Mark:

The Montana-Alberta Tie Ltd. (MATL) has proposed to construct a 230 kV transmission line between Alberta, Canada through Glacier, Pondera, Teton, Chouteau and Cascade Counties in Montana, and Great Falls, Montana. The review and licensing of this project falls under the authorization of the Montana Major Facility Siting Act, the Montana Environmental Policy Act, for school trust land, and the Montana Antiquities Act. Administrative jurisdiction may be claimed at a later date by the Department of Energy who will issue a Presidential Permit on the proposed transmission line due to its border crossing. Such jurisdiction may include National Environmental Policy Act and National Historic Preservation Act considerations.

MATL contracted GCM Services, Inc. of Butte, Montana to conduct cultural resource investigations south of the United States/Canadian border. The investigation was concluded with the report "A Class III Cultural Resource Inventory of the Montana-Alberta Tie Ltd., Proposed Transmission Line: Preferred Route, Glacier, Pondera, Teton, Chouteau and Cascade Counties, Montana." prepared by David Ferguson of GCM Services, Inc. In consultation with David Ferguson of GCM Services, Inc., Patrick Rennie of the Montana Department of Natural Resources, Jerry Clark of the Bureau of Land Management and Dale Herbolt of the Montana Department of Environmental Quality, a memorandum of understanding was developed to guide most field work methodology. We agree with the application of those methodologies by GCM Services, Inc. in the execution of fieldwork.

Ten previously recorded historic and prehistoric sites were identified within the area of potential effect. An additional thirty-one historic and prehistoric sites were identified by pedestrian survey. Of these sites, 24GL1121, 24GL1126, 24GL1127, 24PN24, 24PN150, and 24TT578, are located on State Trust Lands. One, 24GL587, is located on BLM land.

All other sites are located on private properties. For the purposes of this undertaking, all identified sites are presumed to be potentially eligible to the National Register of Historic Places and/or the Montana Register of Heritage Sites unless having been determined ineligible by previous consultation with the State Historic Preservation Office.

In all cases, a finding of no effect or no adverse effect can be achieved as MATL has designed the transmission lines to either bypass around or span over the site, or has guided the construction of access roads and erection of power poles to avoid all identified features on the site. In particular, feature avoidance has been designed for the Thirty Knot site (24PN24), the Banka site (24PPN148), and the Sam George Hill site (24PN150) where pole locations and accesses were designated by the appropriate agency archeologists and MATL engineers on-site. At all other sites, access/service roads and the power lines will be aligned outside cultural site areas to avoid any disturbances to cultural sites. The attached two tables summarize the sites identified and the plans for avoidance. A consultation letter from Patrick Rennie of the DNRC concerning cultural sites on State Trust Lands is also attached.

Due to landowner constraints, there are approximately four miles of private right of way which have yet to be surveyed and inventoried. These areas will be examined prior to construction of the transmission line and appropriate consultations conducted. Should alternative alignments be selected by DEQ, surveys of high priority areas would be required prior to construction.

MATL has gone to great effort to achieve a Findings of No Effect/No Adverse Effect by avoiding disturbance to each individual cultural resource located within their area of potential effect. We agree with their consultants that the construction of the MATL Transmission Line has been designed in a manner to achieve a No Effect or No Adverse Effect for each cultural site. With the caveat that an archeologist be present to monitor construction through sites 24PN24, 24PN148, and 24PN150, we request the concurrence of the SHPO on our Findings of No Effect/No Adverse Effect on potential Historic and/or Heritage Properties for the MATL proposed Transmission Line.

Thank you very much for your consideration. Please contact Tom Ring (444-6785) or Dale Herbolt (841-5028) if you have further questions.

Sincerely,



Warren D. McCullough
Chief, Environmental Management Bureau

cc: Bob Williams

Table 7-1. Summary of the Status of Sites encountered during the Class III Inventory.

Site Name	Site Number	Surface Owner	Site Type	NRHP Status	Effect to Site	Management Status	Map Figure
O'Brien H.S.	24GL1125	Private	tipi rings	unevaluated	no adverse effect	avoid by design	Fig. 5-2
	24GL1119	Private	historic site	unevaluated	no adverse effect	avoid by design	Fig. 5-3
	24GL1120	Private	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-3
	24GL1121	State	tipi rings	unevaluated	no adverse effect	avoid by design	Fig. 5-4
	24GL1127	State	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-4
	24GL1126	State	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-4
	24GL1133	Private	homestead	not eligible	no effect	avoid by design	Fig. 5-5
	24GL1134	Private	homestead	not eligible	no effect	avoid by design	Fig. 5-7
	24GL1136	Private	homestead	not eligible	no effect	avoid by design	Fig. 5-7
	24GL1135	Private	historic oil field	not eligible	no effect	unknown	Fig. 5-7
30 Knot Site	24GL1132	Private	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-9
	24PN24	State and Private	cairns, tipi rings & alignments	eligible - D (consensus)	no adverse effect	avoidance of surface features	Fig. 5-10
Fortification	24PN147	Private	prehistoric structure	eligible - D (consultant)	no adverse effect	avoid by design	Fig. 5-14
	24PN152	Private	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-14
	24PN153	Private	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-14
	24PN151	Private	historic dump	not eligible	no effect	avoid by design	Fig. 5-14
Neyehuis H.S.	24PN154	Private	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-14
	24PN149	Private	homestead	eligible - A, C (consultant)	no adverse effect	avoidance of surface features	Fig. 5-14
Belgian Hill	24PN155	Private	historic graffiti	not eligible	no effect	avoid by design	Fig. 5-14
	24PN156	Private	tipi rings	unevaluated	no adverse effect	avoid by design	Fig. 5-15
	24PN157	Private	historic structure	not eligible	no effect	avoid by design	Fig. 5-15
Sam George Hill	24PN150	State and Private	tipi rings	unevaluated	no adverse effect	avoidance of surface features	Fig. 5-17
Banka Site	24PN148	Private	tipi rings	unevaluated	no adverse effect	avoidance of surface features	Fig. 5-18
	24PN158	Private	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-18
	24PN159	Private	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-18
	24TT574	Private	tipi rings	unevaluated	no adverse effect	avoid by design	Fig. 5-20
	24TT575	Private	tipi rings	unevaluated	no adverse effect	avoid by design	Fig. 5-20
	24TT576	Private	tipi ring	unevaluated	no adverse effect	avoid by design	Fig. 5-20
	24TT577	Private	tipi rings	unevaluated	no adverse effect	avoid by design	Fig. 5-20
	24TT578	State	tipi rings	unevaluated	no adverse effect	avoid by design	Fig. 5-21
Black Horse	24CA1053	Private	tipi rings	unevaluated	no adverse effect	avoid by design	Fig. 5-27

Table 7-2. Summary of Previously Recorded Sites in the APE

Site Name	Site Number	Surface Owner	Site Type	NRHP Status	Effect to Site	Management Status	Map Figure
GN railroad	24GL191	private	historic railroad	eligible - A	no adverse effect	avoidance of surface features	Fig. 5-6
	24GL587	BLM and private	bison kill	unresolved / unevaluated	no adverse effect	avoid by design	Fig. 5-10
30 Knot Site	24PN24	State and private	cairns, tipi rings & alignments	eligible - D (consensus)	no adverse effect	avoidance of surface features	Fig. 5-10
	24PN34	multiple	historic travel rte	unresolved / unevaluated	no adverse effect	avoidance of surface features	Fig. 4-15
Fortification (aka)	24PN147 24PN5	private	prehistoric structure	eligible - D (consultant)	no adverse effect	avoid by design	Fig. 5-14
L Canal	24PN83	private	irrigation canal	eligible - A (consensus)	no adverse effect	avoidance of surface features	Figs. 4-13, 5-15
L2 Canal	24PN88	private	irrigation canal	eligible - A (consensus)	no adverse effect	avoidance of surface features	Figs. 4-13
AN Canal	24PN109	private	irrigation canal	eligible - A (consensus)	no adverse effect	avoidance of surface features	Figs. 4-12, 5-15
P Canal	24PN111	private	irrigation canal	eligible - A (consensus)	no adverse effect	avoidance of surface features	Figs. 4-14, 5-12
Sleeping Site	24PN112	private	tipi rings campsite	unknown	N/A site was destroyed	no action required	Figs. 4-12, 5-13



United States Department of the Interior

FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
585 Shepard Way
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

M.09 DOE – Informal
Presidential Permit Docket No. PP-305

September 16, 2008

Anthony J. Como
Director, Permitting and Siting
U.S. Department of Energy, OE-20
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Mr. Como:

This responds to your October 17, 2008 letter, Biological Assessment (BA) and request for concurrence on your determination of effects on listed species from the construction of an international transmission line. This response is provided by the U.S. Fish and Wildlife Service (USFWS) under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4327), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

Montana Alberta Tie Line, Ltd. (MATL) applied to the Department of Energy (DOE) for a Presidential Permit to construct a single-circuit, 230,000-volt (230-kV) transmission line that would originate at a new substation to be constructed northeast of Lethbridge, Alberta, Canada, cross the United States (U.S.)-Canada international border north of Cut Bank, Montana, and extend approximately 125 miles into the United States, terminating at an existing substation north of Great Falls, Montana. The DOE has the responsibility for implementing Executive Order (E.O.) 10485 (September 9, 1953), as amended by E.O. 12038 (February 7, 1978), which requires the issuance of a Presidential Permit for the construction, operation, maintenance, and connection of electric transmission facilities at the United States international border.

The USFWS concurs with your determination that your project may affect, but will not adversely affect, the threatened bald eagle (*Haliaeetus leucocephalus*) and will have no effect on the endangered black-footed ferret (*Mustela nigripes*). This concurrence is based upon the mitigation and conservation measures in the BA.

This concludes informal consultation pursuant to regulations in 50 CFR 402.13 implementing the Endangered Species Act of 1973, as amended. This project should be re-analyzed if new information reveals effects of the action that may affect threatened, endangered or proposed

species, if the project is modified in a manner that causes an effect not considered in this consultation, or if the monitoring requirements will not be implemented.

For future inquiries on consultation, please call Lou Hanebury at our Billings Sub Office at 406-247-7367.

Sincerely,

A handwritten signature in cursive script that reads "R. Mark Wilson".

R. Mark Wilson
Field Supervisor

cc:

FWS, Billings Sub Office, Billings, MT (Attn: Lou Hanebury)

MTDEQ, Helena, MT (Attn: Tom Ring)

LRH/kae/08-28-08/2008 08_27 LTR wilson_como_MATL__concurrence.doc

**** SURNAME SLIP ****
FOR CORRESPONDENCE REQUIRING
FIELD SUPERVISOR SIGNATURE

AUTHOR: Lou Hanebury

FILE #: _____

Montana Alberta Tie Line
Presidential Permit Docket No. PP-305
61130-2007-FA-0085
61130-2007-SL-0171

REVIEWER(S): _____

ASST. FIELD SUPERVISOR: _____

SPECIAL INSTRUCTIONS:

Tom Ring
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT.59620
tring@mt.gov